

DISPOSITION: February 26, 1944. No claimant having appeared for the lot located at New York, judgment of condemnation was entered and the product was ordered destroyed. On May 17, 1944, Koligian Bros. having appeared as claimant for the lot located at Seattle, judgment of condemnation was entered and the product was ordered released under bond for distillation into spirits, under the supervision of the Food and Drug Administration.

5917. Misbranding of fruit cocktail. U. S. v. 74 Cases of Fruit Cocktail. Decree ordering product released under bond to be relabeled. (F. D. C. No. 11029. Sample No. 29742-F.)

LIBEL FILED: November 10, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 13, 1943, by the Fruitvale Canning Co., Oakland, Calif.

PRODUCT: 74 cases, each containing 24 cans, of fruit cocktail at Cleveland, Ohio.

LABEL, IN PART: (Cans) "Plee-Zing Fruit Cocktail."

VIOLATIONS CHARGED: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for fruit cocktail prescribed by the regulations, since the peach and pear ingredients of the article were not diced as required by the definition and standard, but consisted of irregular scraps, and the label did not bear the substandard legend; and, Section 403 (a), the vignette showing diced peaches and pears, and the following statement, "Fruit Cocktail Consists of Diced Peaches and Pears," which appeared in the label of the article, were false and misleading.

DISPOSITION: December 3, 1943. The Lipka Co., Cleveland, Ohio, having appeared as claimant, judgment was entered finding the product misbranded and ordering that it be released under bond for relabeling under the supervision of Food and Drug Administration.

5918. Adulteration of candied and glacé fruits. U. S. v. Golden Brand Nut Products, Inc., and Bernard A. Silverman. Pleas of guilty. Corporation fined \$1,500, and individual placed on probation for 1 year. (F. D. C. No. 40581. Sample Nos. 3353-F to 3360-F, incl., 23275-F, 37676-F.)

INFORMATION FILED: December 27, 1943, Southern District of New York, against the Golden Brand Nut Products, Inc., New York, N. Y., and Bernard A. Silverman, president of the corporation.

ALLEGED SHIPMENT: On or about April 5 and May 3, 1943, from the State of New York into the States of Missouri, Pennsylvania, and Michigan.

LABEL, IN PART: "The Finest Grown—Best Known Assorted Fruits," "Orange-Stuffed Dates w. Nuts," or "Glacé Fruit."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of one or more of the following types of filth: Insect parts, rodent hair fragments, a human hair fragment, unidentified hair fragments, hair fragments resembling cat hairs, larvae and adult insects, larvae and insect heads, insect fragments, a rodent excreta pellet, mites, and thrips; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: January 5, 1944. Pleas of guilty were entered. The corporation was fined \$500 on each of 3 counts, totaling \$1,500. The court suspended the imposition of sentence on the individual defendant and placed him on probation for 1 year.

5919. Adulteration of glacé fruit. U. S. v. 3 Pails of Glacé Fruit. Default decree of condemnation and destruction. (F. D. C. No. 11584. Sample No. 8366-F.)

LIBEL FILED: January 5, 1944, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about December 1, 1943, by the Fruit Specialties Co., Chicago, Ill.

PRODUCT: 3 pails, each containing 40 pounds, of glacé fruit at Superior, Wis.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, egg shell fragments, a leaf and a portion of a leaf, citrus seeds, sand, and dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.